

EXTENSION OF PERIOD FOR INSPECTION OF VESSEL COMMUNICATIONS EQUIPMENT

SEPTEMBER 26, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HARRIS, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany S. 1288]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1288) to amend section 362(b) of the Communications Act of 1934, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

Section 362(b) of the Communications Act of 1934, as amended (title III, pt. II), requires that every U.S.-flag vessel subject to its provisions must have its prescribed communications equipment and apparatus (i.e., radio installation, radiotelegraph, etc.) inspected at least once each year by the Commission. This bill would authorize the Federal Communications Commission, upon a finding that the public interest would be served thereby, to waive the annual inspection required under this section from the time of first arrival at a U.S. port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days.

Enactment of the bill would provide needed flexibility in the vessel inspection requirements to take care of situations such as have occurred where vessel operators have suffered costly delays due to the late hour of arrival at the port, or to unavailability of inspection personnel for one reason or another, or to a tight vessel schedule requiring prompt departure for another port.

Enactment of the bill is recommended by the Federal Communications Commission, on the following grounds set forth in the Commis-

sion's statement on this legislation presented to the committee on August 2, 1962, by Commissioner T. A. M. Craven:

* * * The Commission supports the introduction of an element of flexibility into the provisions of section 362(b). In the past, there have been instances of difficulty arising because of the inflexibility of section 362(b) and the lack of inspection facilities in certain ports. The parallel requirements of the Convention for the Safety of Life at Sea permit some inspectional leeway to administrations in connection with radio equipment to be installed by the convention. The Commission contemplates that the waiver provision would generally be exercised only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including traveltime, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The legislation has the support of the American Merchant Marine Institute, Inc.

The committee knows of no opposition to the bill.

Comments of the Federal Communications Commission, the Secretary of Commerce, the Department of State, and the Bureau of the Budget are appended, favoring enactment.

The committee urges the adoption of this legislation.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., July 10, 1962.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR CHAIRMAN HARRIS: On May 9, 1961, there was transmitted to you the Commission's comments on S. 1288, a bill to amend section 362(b) of the Communications Act of 1934. These comments were submitted pursuant to your request of April 27, 1961. This bill passed the Senate April 24, 1961. An identical bill in the 86th Congress (S. 3496) likewise passed the Senate on June 18, 1960.

While S. 1288 does not constitute a part of the Commission's legislative program, nevertheless the Commission favors its enactment and so stated in our comments. To our knowledge, there is no opposition to this bill. Recently, we were advised that the Bureau of the Budget by letter to you dated May 29, 1962, concurred in the views contained in the Commission's report on the legislation and likewise recommended the bill's enactment.

We trust it will be possible for your committee to act on this bill shortly so that it may be considered by the House before the adjournment of this Congress.

Sincerely yours,

NEWTON N. MINOW, *Chairman.*

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION

S. 1288 and H.R. 4743 would amend title III, part II of the Communications Act of 1934, as amended, by adding to section 362(b) the following:

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days."

Equipment and apparatus required to be installed by title III, part II of the act is required by section 362(b) to be inspected at least once every 12 months. S. 1288 and H.R. 4743 would authorize the maximum permissible time lapse between inspection to be more than 12 months.

The Commission supports the introduction of an element of flexibility into the provisions of section 362(b). In the past, there have been instances of difficulty arising because of the inflexibility of section 362(b) and the lack of inspection facilities in certain ports. The parallel requirements of the Convention for the Safety of Life at Sea permit some inspectional leeway to administrations in connection with radio equipment to be installed by the convention. The Commission contemplates that the waiver provision would generally be exercised only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including travel time, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The language of S. 1288 and H.R. 4743 is as was suggested by the Commission in our comments on S. 3496, 86th Congress, 2d session.

The Commission favors enactment of this legislation.

Adopted: March 29, 1961.

THE SECRETARY OF COMMERCE,
Washington, D.C., May 31, 1961.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request of April 27, 1961, for the views of this Department with respect to S. 1288, an act to amend section 362(b) of the Communications Act of 1934.

Section 362(b) of the Communications Act of 1934, as amended (47 U.S.C. 360), requires ships of the United States subject to the act to have their radio equipment and apparatus inspected at least once a year by the Federal Communications Commission. S. 1288 would additionally provide that "The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United

States where an inspection can be held: *Provided, That such waiver may not exceed a period of thirty days.*"

From a commercial viewpoint, it would appear desirable to authorize the Federal Communications Commission in appropriate cases to permit the shipowner this additional period to have his vessel inspected at an economically and operationally convenient port. Under the existing statutory provisions, there is no flexibility beyond the expiration of a 12-month period. Since, however, the purpose of this inspection statute is safety and the Department of Commerce has no special information as to the technical and administrative problems that may be involved, we defer to the views of the Federal Communications Commission with regard to the subject bill.

The Bureau of the Budget advised there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

EDWARD GUDEMAN,
Under Secretary of Commerce.

DEPARTMENT OF STATE,
Washington, May 9, 1961.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR MR. CHAIRMAN: I refer to your letter dated April 27, 1961, which enclosed copies of S. 1288 for comment by the Department.

The Department has no objection to the proposed bill.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

BROOKS HAYS,
*Assistant Secretary
(For the Secretary of State).*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington D.C., May 29, 1962.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of
Representatives, New House Office Building, Washington D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1288, a bill to amend section 362(b) of the Communications Act of 1934.

The Chairman of the Federal Communications Commission, in the report he sent to your committee on this bill, recommended enactment of this legislation.

The Bureau of the Budget concurs with the views contained in that report and recommends enactment of S. 1288.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 362 OF THE COMMUNICATIONS ACT OF 1934

INSPECTION

SEC. 362. (a) In addition to any other provisions required to be included in a radio station license, the station license of each ship of the United States subject to this title shall include particulars with reference to the items specifically required by this title.

(b) Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this Act and the station license have been complied with, the fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this Act.

The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: Provided, That such waiver may not exceed a period of thirty days.

